

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

**JOSEPH LUNDSTROM and
JANE HIBNER,**
Plaintiffs,

vs.

CASE NO: 07-00759 JH/WDS

**ALBUQUERQUE POLICE OFFICERS
DEBRA ROMERO, ANTHONY SEDLER,
LORENZO APODACA, EDOUARD TAYLOR,
and OFFICER ZAZZA GREEN, in their individual
Capacities and as employees of the City of Albuquerque,
Defendants.**

PLAINTIFFS' FIRST MOTION IN LIMINE

Plaintiffs move the Court to exclude any proffered evidence on the matters set forth in his memorandum accompanying this motion. The Rules of Evidence prohibit character evidence to be used in the manner Defendants propose. Plaintiffs therefore ask that the Court exclude from evidence, the following:

1. any and all mention of the statement written by Plaintiff Lundstrom on August 19, 2006;
2. any and all medical records and medical testimony which mention the written statement made by Plaintiff on August 19, 2006;
3. any and all mention of Plaintiff Lundstrom's statement that he thought about, desired to run over, kill, or harm police before he sought treatment from the Behavioral Hospital; and
4. any and all mention through medical testimony or through medical records of Plaintiff Lundstrom's statement that he thought about, desired to run over, kill, or harm police before he sought treatment from the Behavioral Hospital.

WHEREFORE, Plaintiffs seek a Court order setting forth that the above items be excluded from trial, or in the alternative, to require side bars before defense counsel inquires into these areas in front of the jury, in voir dire, opening statements, or by any defense witnesses, all matters not relevant to Plaintiff's actual claims of liability or damages, or which are more prejudicial than probative.

Respectfully submitted,

/s/ Frances A. Crockett

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Attorney for Plaintiffs

I hereby certify that a true and complete copy of the foregoing was delivered electronically this 2nd day of September 2008 to counsel for Defendants.

/s/ Frances A. Crockett

Frances A. Crockett